

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

LERONIOUS JONES

PLAINTIFF

vs.

No. 1:99CV071-D-D

UNITED STATES POSTAL SERVICE,
acting by and through POSTMASTER
GENERAL WILLIAM HENDERSON

DEFENDANT

OPINION

This age discrimination case came before the court on May 22, 2000. The Plaintiff, Leronious Jones, claims that the United States Postal Service discriminated against him on the basis of his age, in violation of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 633a, in connection with his 1996 non-promotion to the position of Postmaster in West Point, Mississippi.

Brief Factual and Procedural Background

The Plaintiff, a male over the age of forty, is employed by the Defendant United States Postal Service as a Postmaster in Hamilton, Mississippi. In early 1996, the Plaintiff applied for a promotion to the Postmaster position in West Point, Mississippi. The Plaintiff, however, was not hired for the position; instead, the Postal Service hired Patrick Campbell, a male under the age of forty. The Plaintiff, after properly exhausting his administrative remedies, filed the current action on March 12, 1999, alleging age discrimination in connection with his non-promotion.

Discussion

The ADEA, 29 U.S.C. § 633a, provides that “All personnel actions affecting employees or applicants for employment who are at least 40 years of age in ... the United States Postal Service ... shall be made free from any discrimination based on age.” 29 U.S.C. § 633a(a).

To establish a violation of the ADEA, a plaintiff must prove, by a preponderance of the evidence, that his employer intentionally discriminated against him. Boehms v. Crowell, 139 F.3d 452, 457 (5th Cir. 1998). The framework utilized in ADEA cases is that a plaintiff must first establish a prima facie case of discrimination. The elements of a prima facie case are:

- (1) that the plaintiff was within the protected class at the time of the failure to promote;
- (2) that the plaintiff was qualified for the position he sought;
- (3) that the plaintiff was not promoted; and
- (4) that the position was filled by someone outside the protected class.

W.G. Bennett v. Total Minatome Corp., 138 F.3d 1053, 1060 (5th Cir. 1998); Johnson v. Runyon, 137 F.3d 1081, 1082 (8th Cir. 1998). If the plaintiff is able to establish a prima facie case of discrimination, the burden of production shifts to the defendant to articulate a legitimate, nondiscriminatory reason for the challenged employment action. Boehms, 139 F.3d at 457. Once the defendant meets this burden, the plaintiff must demonstrate that the defendant's proffered explanation is merely a pretext to shield a discriminatory motive. Id.

In the case *sub judice*, the Plaintiff successfully established a prima facie case of discrimination. The Plaintiff is over forty, he was qualified for the West Point Postmastership and was not promoted, and the position was filled by someone outside the protected class, namely Patrick Campbell.

The Defendant, however, articulated a legitimate, nondiscriminatory reason for choosing Campbell over the Plaintiff; the Plaintiff was not promoted due to the Defendant's concern over, *inter alia*, the Plaintiff's conduct in 1993 in the Columbus, Mississippi, post office. Furthermore, the Defendant believed that Campbell was more qualified for the position. Indeed, the testimony and exhibits regarding the qualifications of both Campbell and the Plaintiff satisfied the court that the Defendant genuinely believed that Campbell was more qualified for the position. Campbell had held higher level managerial positions within the Postal Service and had an unblemished record.

Because the Defendant articulated a legitimate, non-discriminatory reason for the Plaintiff's non-promotion, the burden was on the Plaintiff to show that the Defendant's proffered reasons were pretextual. It is here that the Plaintiff's evidence was starkly deficient. The Plaintiff introduced no evidence whatsoever tending to support the conclusion that the Defendant's proffered reasons for the Plaintiff's non-promotion were a pretext for age discrimination.

As such, the Plaintiff failed to prove that the Defendant violated the ADEA in failing to promote the Plaintiff to the position of Postmaster of West Point. Therefore, the court finds in favor of the Defendant.

A separate order in accordance with this opinion shall issue this day.

This the ____ day of May 2000.

United States District Judge

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ORDER

Pursuant to an opinion issued this day, the court finds in favor of the Defendant United States Postal Service on the Plaintiff's claim of age discrimination pursuant to the Age Discrimination in Employment Act, 29 U.S.C. § 633a.

SO ORDERED, this the ____ day of May 2000.

United States District Judge